IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

Bail Appl..No. 1140 of 2007()

CP.10/2006 of J.M.F.C.,KARUNAGAPPALLY

.....

: PETITIONER/ACCUSED:

VISWANATHAN, S/O.SREEDHARAN,
PUTHENKANDATHIL VEEDU, NAMBARUVIKALA MURI,
KARUNAGAPPALLY, KOLLAM.

BY ADV. SRI.B.MOHANLAL

RESPONDENT: COMPLAINANT:

STATE OF KERALA REPRESENTED BY
THE EXCISE RANGE INSPECTOR, KARUNAGAPPALLY
EXCISE RANGE, KOLLAM DISTRICT THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

- - - - - - - - - - - - - - - - - -

BAIL APPLICATION NO. 1140 OF 2007

- - - - - - - - - - ---------- - - - - - -

DATED THIS THE 27th DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the accused in Cr.No.74/03 of Karunagappally Excise Range for offences punishable under sections 8(1) and 8(2) of the Abkari Act for allegedly having been found in possession of five litres of illicit arrack on 29.5.2003, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.P.No.10/06 on the file of the J.F.C.M., Karunagappally non-bailable warrants of arrest are pending against him.

3. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the committal court and seek regular bail. Accordingly, if the petitioner surrenders before the J.F.C.M., Karunagappally and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after considering the explanation offered by the petitioner for his previous non-appearance.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn